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PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)		Docket Number (Optional) H-US-01160	
First named inventor: John I. Shipp			
Application No.: 10/709,297		Art Unit: 3734	
Filed: 04/27/2004		Examiner: Victor X Nguyen	
Title: SURGERY DELIVERY DEVICE AND MESH ANCHOR			
Attention: Office of Petitions Mail Stop Petition Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450 FAX (571) 273-8300			
<p>NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.</p> <p>The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.</p> <p>APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION</p> <p>NOTE: A grantable petition requires the following items:</p> <ul style="list-style-type: none">(1) Petition fee;(2) Reply and/or issue fee;(3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and(4) Statement that the entire delay was unintentional. <p>1. Petition fee</p> <p><input type="checkbox"/> Small entity-fee \$ _____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.</p> <p><input checked="" type="checkbox"/> Other than small entity – fee \$ <u>1,540.00</u> (37 CFR 1.17(m))</p> <p>2. Reply and/or fee</p> <p>A. The reply and/or fee to the above-noted Office action in the form of <u>Restriction Requirement dated 08/31/2007</u> (identify type of reply):</p> <p><input type="checkbox"/> has been filed previously on _____</p> <p><input checked="" type="checkbox"/> is enclosed herewith.</p> <p style="text-align: right;">05/23/2008 NNGUYEN1 00000012 210550 10709297</p> <p>B. The issue fee and publication fee (if applicable) of \$ <u>01 FC:1453</u> 1540.00 DA</p> <p><input type="checkbox"/> has been paid previously on _____</p> <p><input type="checkbox"/> is enclosed herewith.</p>			

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

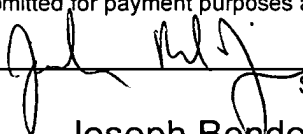
3. Terminal disclaimer with disclaimer fee

☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.


 Signature

5/20/08
 Date

Joseph Bender-Zanoni

51,454

Typed or printed name

Registration Number, if applicable

Covidien, 60 Middletown Avenue

(203) 492-8243

Address

Telephone Number

North Haven, CT 06473

Address

Enclosures: ☒ Fee Payment

Please charge the petition fee of \$1500 under 37 C.F.R. §1.17(m) to Deposit Account No. 21-0550.

☒ Reply

☐ Terminal Disclaimer Form

☒ Additional sheets containing statements establishing unintentional delay

☐ Other: _____

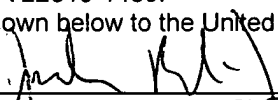
CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

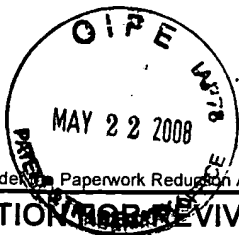
I hereby certify that this correspondence is being:

☒ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

☐ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

5/20/08
 Date


 Signature
 Joseph Bender-Zanoni
 Typed or printed name of person signing certificate



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PTO/SB/64 (01-08)
Approved for use through 03/31/2008. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)

H-US-01160

First named inventor: John I. Shipp

Application No.: 10/709,297

Art Unit: 3734

Filed: 04/27/2004

Examiner: Victor X Nguyen

Title: SURGERY DELIVERY DEVICE AND MESH ANCHOR

Attention: Office of Petitions

Mail Stop Petition

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

☐ Small entity-fee \$ _____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☒ Other than small entity - fee \$ 1,540.00 (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form of Restriction Requirement dated 08/31/2007 (identify type of reply):

- ☐ has been filed previously on _____.
- ☒ is enclosed herewith.

B. The issue fee and publication fee (if applicable) of \$ _____.

- ☐ has been paid previously on _____.
- ☐ is enclosed herewith.

[Page 1 of 2]

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If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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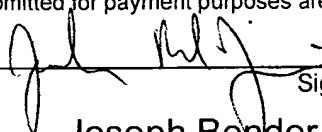
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5/20/08

 Date

Joseph Bender-Zanoni

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51,454

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North Haven, CT 06473

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Enclosures: ☒ Fee Payment Please charge the petition fee of \$1500 under 37 C.F.R. §1.17(m) to Deposit Account No. 21-0550.

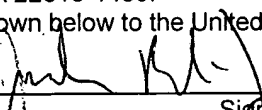
☒ Reply☐ Terminal Disclaimer Form☒ Additional sheets containing statements establishing unintentional delay☐ Other: _____**CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]**

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5/20/08

 Date



 Signature
Joseph Bender-Zanoni

 Typed or printed name of person signing certificate



Attorney Docket: H-US-01160

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	John I Shipp	Examiner:	Victor X Nguyen
Serial No.:	10/709,297	Group Art Unit:	3734
Filed:	04/27/2004	Confirmation No.:	3296

For: **SURGERY DELIVERY DEVICE AND MESH ANCHOR**

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**PETITION TO REVIVE UNINTENTIONALLY ABANDONED APPLICATION
UNDER 37 C.F.R. § 1.137(b)**

Sir or Madam:

Applicant hereby petitions to revive the above-captioned U.S. Patent Application. An Office Action (Restriction Requirement) with a mailing date of August 31, 2007 was sent to *John I. Shipp, PO Box 3614, Ponte Vedra Beach, FL 32004*. Applicant never received the Office Action communication. Applicant became aware of the communication on March 26, 2008 upon checking the status of this application on the PAIR database. The delay in responding to the Restriction Requirement was unintentional.

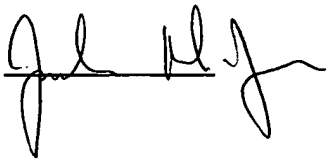
A Change of Address was filed 10/24/2007. Please send all correspondence for this patent application to the address associated with Customer Number 50855, Tyco Healthcare Group LP, 60 Middletown Avenue, North Haven, CT 06473.

Please charge the petition fee of \$1,540 under 37 C.F.R. §1.17(m) to Deposit Account No. 21-0550 in the name of United States Surgical Corporation. As this application was filed after June 8, 1995, a terminal disclaimer is not required. The entire delay in filing the required

response to the Office Action until the filing of a grantable petition under 37 C.F.R. §1.137(b), was unintentional.

In the event any extensions of time for responding are required, please treat this paper as a petition to extend the time as required and charge Deposit Account No. 21-0550. If there are any other fees determined required, the examiner is authorized to charge the same to Deposit Account No. 21.-0550.

Respectfully submitted,

Dated:  5/20/2008

Joseph Bender-Zanoni
Reg. No. 51,454
Attorney for Applicant(s)

Tyco Healthcare Group LP
60 Middletown Avenue
North Haven, CT 06473
203-492-8243
203-492-8233 (fax)



Attorney Docket: H-US-01160

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: John I Shipp Examiner: Victor X Nguyen
Serial No.: 10/709,297 Group Art Unit: 3734
Filed: 04/27/2004 Confirmation No.: 3296
For: **SURGERY DELIVERY DEVICE AND MESH ANCHOR**

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**PETITION TO REVIVE UNINTENTIONALLY ABANDONED APPLICATION
UNDER 37 C.F.R. § 1.137(b)**

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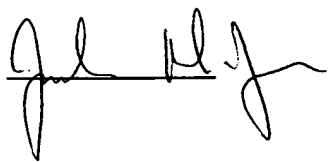
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Respectfully submitted,

Dated:  5/20/2008

Joseph Bender-Zanoni
Reg. No. 51,454
Attorney for Applicant(s)

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